

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PAUL MITCHELL,

Plaintiff,

-v.-

Civil Action No.
9:04-cv-937 (GLS/DRH)

PAUL HARRIMAN, Registered Nurse;
NURSE PERREA, RN; M.D. HANG LEE;
and JOHN DOE # 1, Unidentified Corrections
Officer,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

PAUL MITCHELL
Plaintiff Pro Se
42-60 Main Street
Suite 5-E
Queens, New York 11355

FOR THE DEFENDANTS:

HON. ANDREW M. CUOMO
Attorney General for the
State of New York
Attorney for Defendants
The Capitol
Albany, New York 12224

DAVID L. COCHRAN, ESQ.
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed January 23, 2007. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed January 23, 2007 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the defendants' oral motion to dismiss this action is GRANTED and this action is dismissed in its entirety, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED

Dated: February 13, 2007
Albany, New York



Gary L. Sharpe
U.S. District Judge